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MISCELLANY.

96 VIRGINIA REPORTS.—Volume 96 of the Virginia Reports is now going through the press, and we are informed will probably be in the hands of the profession about the 1st of July. The volume will probably contain all opinions which are not subject to rehearing. These will bring the cases down to about the 23d of March, 1899, leaving only a few opinions delivered at Richmond during the last two opinion days.

THE SUPREME COURT OF APPEALS.—We give below a statement of the work done by the court since it went to Richmond last fall:

Cases on the docket.....	107	
Final judgments.....		93
Continued cases, not ready.....		14
	107	107
Applications for appeals from October 1, 1898, to April 7, 1899. 109		
Granted.....		73
Refused.....		36
	109	109

The docket was called entirely through, and every case heard that was ready. The appeal in the last case argued was granted October 12, 1898. We made an effort to ascertain when this docket had been last called through, but were unable to get the information. It has certainly been a number of years. The present court found a large docket on hand when it went into office, and we congratulate the court and suitors that it has at last gotten the docket under control. The profession owes the court a debt of gratitude for the ability and diligence with which it has discharged its duties.

LAWYERS' PRAYERS.—A valued subscriber sends us the following copy of a prayer of Samuel Johnson, when contemplating the study of the law, as recorded in 2 Boswell's Life of Johnson, p. 12:

September 26, 1765: Almighty God, the giver of wisdom, without whose help resolutions are vain, without whose blessing study is ineffectual; enable me, if it be Thy will, to attain such knowledge as may qualify me to direct the doubtful, and instruct the ignorant; to prevent wrongs and terminate contentions; and grant that I may use that knowledge which I shall attain, to Thy glory and my own salvation, for Jesus Christ's sake. Amen.

This suggests to us the publication of the following lines. We are unable to give the name of the author. We shall be indebted to any of our readers who will enlighten us as to its authorship:

Ordained to tread the thorny ground,
Where few, I fear, are faithful found,
Mine be the conscience void of blame,
The upright heart, the spotless name;

The tribute of the widow's prayer,
 The righted orphan's grateful tear;
 To virtue and her friends, a friend;
 Still may my voice the weak defend.
 Ne'er may my prostituted tongue
 Protect the oppressor in his wrong,
 Nor wrest the spirit of the laws
 To sanctify the villain's cause.
 Let others with unsparing hand,
 Scatter their poisons through the land,
 Inflammèd dissension, kindle strife,
 And strew with ills the path of life,—
 On such her gifts let fortune shower,
 Add wealth to wealth and power to power,—
 On me may favoring Heaven bestow
 That peace which only good men know,—
 The joy of joys, by few possessed,—
 The eternal sunshine of the breast.
 Power and fame and riches I resign,
 The praise of honesty be mine,
 That friends may weep, the worthy sigh,
 And poor men bless me when I die.

ENGLISH METHODS OF REVISION.—The *American Law Review*, in commenting upon the value of the clause found in the constitutions of many of the American States, that "no statute shall be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length" (Va. Const., Art. V, sec. 15), publishes a specimen of English revision, from which we make the subjoined extract. It is preceded by an enacting clause providing that the statutes listed in the body of the act are repealed to the extent shown, and the act covers many pages:

9 Geo. 4, c. 38, in part, namely—sections one to three.

4 & 5 Will. 4, c. 60, in part, namely—section five.

17 & 18 Vict., c. 80, in part, namely—in sections sixty and sixty-two the words "or by imprisonment for a period not exceeding two years."

17 & 18 Vict., c. 103, in part, namely—section thirty-one, the words "of Ireland for the time being"; section thirty-six, the words "any turnpike commissioners or trustees, or"; section ninety-eight, from "and the officers" to the end of the section.

17 & 18 Vict., c. 116, in part, namely—section five, the words "or in the Copyhold Act, 1852."

18 & 19 Vict., c. 120, in part, namely—section one hundred and seventy-one, from "any rate," where those words first occur, to "county, and"; section two hundred and twenty-three, from "or take" to "debtors" and the words "or insolvency"; section two hundred and fifty, the words "except the carriage-way of any turnpike road."

19 & 20 Vict., c. 16, in part, namely—section twenty-five, the words "in term time, or for the said judge in vacation."

19 & 20 Vict., c. 56, in part, namely—Schedule B. Forms headed “2 Malt” “Forms 3 and 4 as far as relates to malt and malsters.”

19 & 20 Vict., c. 58, in part, namely—section twenty, from “from and after” to “fifty-six.”

38 Geo. 3, c. 5, in part, namely—preamble; section four, to “aforesaid that” and from “by four quarterly payments” to the end of the section; section seven, from “at the most” to “care and charge,” and from “by charging” to “France”; section eight, “service by this Act required” from “High Constables” to “Ministers,” from “and at such their appearances” to “true meaning of the same,” from “constable” to “minister or other,” the words “at and after such charge given as aforesaid,” from “and shall then also” to “answerable,” from “and the said Commissioners” to “herein limited,” and from “notice to be given” to “shall also cause the like”; section nine; section fourteen; section fifteen; section sixteen; section seventeen, to “same be paid and no longer”; section nineteen, from “on parchment” to the end of the section; section twenty-one; section twenty-two; section twenty-three, to “and paid; and”; section twenty-five, from “or any master” to “colleges or schools”; section thirty-six, from “for the avoiding” to “hereditaments”; section forty-three; section forty-eight; section forty-nine, from “which said oaths” to the end of the section; section seventy-nine, from “according to” to the end of the section; section eighty-four, from “where such overcharge” to the end of the section; section eighty-seven, to “aforesaid that”; section eighty-nine; section ninety-six, from “by action of debt” to the end of the section.

A TYPICAL LEGISLATURE.—We copy from the *Weekly Law Bulletin* the following remarks by Judge Shauck, of the Supreme Court of Ohio, made in response to the toast, “The Supreme Court—Our Victims,” at a banquet held by the members of legislature of that State, February 16, 1899:

“Embarrassment is inevitable when one who can not be humorous to order is required to speak upon an occasion which discourages seriousness. All motion, mental as well as physical, is along the line of the least resistance, and it requires less resolution to face discouragement than to attempt the impossible. It is, however, pleasant and appropriate to advert to some present subjects of congratulation. One of these is our presence on this festive occasion, demonstrating that you, who have organized and managed this combination to stimulate happiness, have been sufficiently adroit to elude the vigilance of the attorney-general. Had you blundered into detection, at least one more action in *quo warranto* would have been added to the miseries of your victims. Another subject of congratulation is the serenity which pervades the State from the lake to the river. This, by a superficial observer, might be attributed to the revival of business or to the happy termination of the Spanish war, or to our immunity from those pestilential diseases which bring our bodies to the dust. But the philosophic observer, guided by an accurate knowledge of the proportions of causes to effects, will unerringly attribute this serenity to the fact that the general assembly is not in session. One year ago the people of the State were anxiously visiting the telegraph stations at night and nervously scanning the morning papers before breakfast to learn what

ancient deviltries had been revived, or new ones invented, in the general assembly. But now the apprehension of further peril is absent.

"True, there is a limit to the prevailing happiness. It could not be otherwise. You were in session for four months a year ago. Other general assemblies very like you had held sessions for a quarter of a century. You and they had violated about all of the provisions of the constitution to which your attention had been specially directed; you had defied about all of the principles of political economy which had been incontestably established, and the people are enduring the inevitable consequences. But with what marvellous facility we adapt ourselves to existing conditions! Our people are literally rejoicing in the consolation which the conviction that the worst is known brings even to the hearts of those who sorrow by the newly dead. One need not be quite a legal antiquarian to have studied the judicial reports backwards far enough to read: 'The members of the general assembly and ourselves are bound by the same official oaths to support the constitution, and we cannot doubt that they give conscientious consideration to the constitutional validity of all the acts which they pass.' I once dictated a sentence conveying the substance of that compliment to you, but the sufferings of that poor stenographer, writhing in a mirth to which laughter afforded no sufficient vent, were before my eyes; and knowledge of the fate of Ananias was carefully preserved in the vast storehouse of my religious instructions. I proved to be an irresolute liar, and that sentence will never appear in the reports.

"You must be prodigies of industry. At your session a year ago, a majority in both houses voted for five hundred and seventy-nine bills, and they were signed by your presiding officers. Doubtless, quite a number of them thereby became laws. Your most hostile critics must admit that some of them show a due regard for public interests. This is especially true of the repealing sections. Too much praise cannot be bestowed upon the few of these acts which contain none but repealing sections. Three hundred of these acts are alleged to be of a general nature. It is greatly to be feared that the common people of the State will fail to appreciate the patience and efforts, physical and intellectual, required to bring every one of you to an understanding of their relation to other laws and their effect upon the public.

"Two hundred and seventy-nine of them are admitted to the local. The time you must have spent in traveling to ascertain the local conditions with respect to which legislative power was to be exercised passes comprehension. You visited thirteen widely separated counties to ascertain the necessity for, and the proper boundaries of, as many special school districts. You visited more than twenty counties in order that you might intelligently enact that as many streets and roads should be improved. You dragged your weary feet all over Pike county to learn that a majority of the tax payers of that county desired that money which had been paid into the treasury by the sureties upon the bond of a defaulting treasurer should be repaid to them. Those who were not permitted to see this expedition, headed by the lieutenant governor, mounted on a clydesdale of his own sex, may aid realization by recalling the familiar picture representing De Soto discovering the Mississippi, and adding a supply of beef on the hoof under the expert care of the Senators from Pickaway and Meigs. The weariness of your limbs is within the compass of imagination. But who could imagine the pain and weariness attending the intellectual wanderings which led you to the conclusion that

the minority of the tax payers were not entitled to insist that public money should be used for public purposes!

"You conducted fourteen investigations which resulted in satisfying you that as many fiscal officers should be excused from accounting for money which had come into their hands. What personal satisfaction there must be in administering justice unrestrained by an obligation to do so 'without respect to persons'!

"Eleven times you resolved yourselves into an examining board to ascertain that women who had taught in the public schools without certificates of qualification were, in fact, qualified, and that they should receive compensation notwithstanding the law. What cosmopolitans you are in the world of attainment!

"It flushes one's lachrymal ducts to contemplate your mournful pilgrimage to Clay township in Montgomery county, where you beheld a sight which satisfied majorities in both senate and house that 'Parish Cemetery' should be placed in charge of trustees. But the average man is not without resentment, and there may be many in the State who like to think of your sufferings.

"One of your subjects, however, was easy. I refer to the bill entitled 'An act to provide for a more efficient government for cities having a population of not less than thirty-three thousand and not more than thirty-four thousand inhabitants'. Your clerk, or the secretary of the state, or some other diligent student of the census tables, has marked the bill for identification '(Youngstown)'. This bill evoked but little mental or physical activity. There passed daily before you, in form most visible, a type of the inhabitants for whose restraint the stringent provisions of the bill were intended. Those of you who occupied seats in senate had but to lift your eyes to receive warning that special and extraordinary measures would be necessary to the establishment and maintenance of good government in that city.

"Whatever impression you may have received from these feeling remarks, be assured that your kindness has made me ambitious to be to you useful rather than sympathetic. Your situation is critical. What you need is such a public understanding of your official acts as will preserve respect for both your character and your good sense. Do not confide in the friendship of any one who admits either that you did not know better, or that you failed to do the best you knew how.

"An admission that in two hundred and seventy-nine instances more than seventy legislative votes were given upon the suspected knowledge of one member would be irretrievable damaging. No lawyer could save you from its consequences. Waste no money on lawyers,—your salaries are small, and it has not been established beyond a reasonable doubt that you have received more. You need witnesses. Make no mistake concerning their qualifications. Belief in a Supreme Being, who rewards virtue and punishes falsehood, might impair their usefulness. Their audacity should be in good training. You will not find an *alibi* easy. Your journals show conclusively that men bearing your names are implicated in this legislation. Your appearance, individual and collective, is so striking and you are so thoroughly spotted by your victims throughout the state that to escape identification will be difficult. Furthermore, without taking the advice of counsel, you have provided a gallery of your portraits. This must have been as inconsiderate as your votes. If your offense were only homicide, you could easily escape the severest punishment by showing a want of deliberation. It could be easily established. The volume of your bills and laws shows that you acted without premeditation—even without meditation.

Your victims admit the plentitude of what you have done to them; but as long as you are able to remain in the state, they will derive comfort from the observation of your greater suffering."